

ORDINANCE NO. 2405

AN ORDINANCE OF THE CITY OF ISSAQUAH, WASHINGTON, AMENDING, BY REFERENCE TO ATTACHED EXHIBITS, SEVERAL CHAPTERS OF THE ISSAQUAH MUNICIPAL CODE, RELATING TO LAND USE, IN THE FOLLOWING MANNER: IMC 18.10.530 - AREAS OF SPECIAL FLOOD HAZARD TO UPDATE REFERENCES FOR DETERMINING SPECIAL FLOOD HAZARD AREAS; IMC 18.06.010 - PURPOSE AND INTENT OF THE ZONING DISTRICTS AND IMC 18.07.335 - MINERAL RESOURCE ZONE ("M") DEVELOPMENT STANDARDS REGARDING REGULATING LANDS ADJACENT TO REDUCE INTERFERENCE OF NATURAL RESOURCE LANDS WITH NATURAL RESOURCE PRODUCTION; IMC 18.06.125 - MINERAL RESOURCE - M AND IMC 18.13.090 - SUBMITTAL REQUIREMENTS TO INCLUDE PROVISIONS FOR NOTICE ON ALL DEVELOPMENT PERMITS AND PLATS WITHIN 500 FEET OF DESIGNATED NATURAL RESOURCE LANDS OF NEARBY NATURAL RESOURCE LANDS AND ASSOCIATED COMMERCIAL ACTIVITIES AND TO PROVIDE FOR THE DESIGNATION/CONSERVATION OF COMMERCIAL FOREST, AGRICULTURAL & MINERAL LANDS; IMC 18.04.150 - COMPLETE APPLICATION - SUFFICIENCY REVIEW TO ADD A REFERENCE TO EXISTING WATER CONCURRENCY REQUIREMENTS LOCATED IN TITLE 13 (PUBLIC SERVICES) OF THE ISSAQUAH MUNICIPAL CODE; IMC 18.02.030 - DEFINITIONS A, 18.02.050 - DEFINITIONS C, 18.02.060 - DEFINITIONS D, IMC 18.06.130 - TABLE OF PERMITTED LAND USES, IMC 18.07.100 - DAY CARE OPERATIONS STANDARDS, IMC 18.07.470 - HOME OCCUPATIONS, AND 18.07.470 - TABLE OF PERMITTED HOME OCCUPATIONS TO CLARIFY IF AND WHERE DAY CARE CENTERS WITH MORE THAN 12 CHILDREN ARE ALLOWED; IMC 18.07.210 - PARKING AND STORAGE OF VEHICLES AND BOATS TO PROHIBIT VEHICLE PARKING IN FRONT YARDS; IMC 18.07.110 - ACCESSORY STRUCTURES - UNINHABITABLE TO ADDRESS ACCESSORY STRUCTURES IN A MANNER CONSISTENT WITH THE INTERNATIONAL BUILDING CODE; AND IMC 18.15.040 - EXEMPTIONS TO CLARIFY THE EXEMPTION FOR TRANSPORTATION FACILITIES AND SERVICES OF STATE-WIDE SIGNIFICANCE AS ESTABLISHED IN RCW 36.70A.070(6)(A)(III)(C); PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the State Growth Management Act mandates the implementation of Comprehensive Plans through clear regulations and innovative techniques; and

WHEREAS, the schedule established by the Growth Management Act in RCW 36.70A.130(4) mandates that Issaquah review and, if necessary, revise its development regulations and comprehensive plans to ensure compliance with the Growth Management Act; and

WHEREAS, Issaquah's deadline to comply with said schedule is December 1, 2004; and

WHEREAS, the State Department of Community, Trade and Economic Development provided a "Comprehensive Plan Checklist: Technical Assistance Tool" to Issaquah to aid in compiling a work plan to meet said schedule; and

WHEREAS, the City of Issaquah's Administration completed the Checklist to determine which development regulations needed revisions; and

WHEREAS, RCW 36.70A.172 and Chapter 365-195 Part 9 WAC, direct Issaquah to include the "best available science" in preparing policies and development regulations to protect the functions and values of critical areas but do not set specific state or regional development standards for critical area protection; and

WHEREAS, pursuant to RCW 36.70A.172 and Chapter 365-195 Part 9 WAC, the City has prepared a Best Available Science Review to ensure that the best available scientific information has been used to review its specific policies and development regulations adopted to protect the functions and values of critical areas; and

WHEREAS, the City will provide the State Department of Community, Trade and Economic Development with a Best Available Science Review evaluating each critical area element and documenting how the City's existing development regulations protect critical area functions; by the December 1st deadline; and

WHEREAS, the City finds in its Best Available Science Review that Issaquah's development regulations are within the range of scientific recommendations, with the exception of buffer requirements for Class 3 wetlands and streams and buffer averaging provisions; and

WHEREAS, the City is addressing buffer requirements for Class 3 wetland and streams and buffer averaging provisions according to best available science procedural criteria (WAC 365-195-915(1)(c)) which allows consideration of nonscientific information; and

WHEREAS, the City will amend code provisions for Class 3 wetlands and streams and buffer averaging in 2005 to ensure consistency with recommendations of best available science, and will use new information such as the Department of Ecology's (DOE) publication *Wetlands in Washington State Volume 2: Guidance for Protecting and Managing Wetlands* (August 2004) and the *Lake Washington/Cedar/Sammamish (WRIA 8) Watershed Draft Chinook Salmon Conservation Plan* (November 2004) as a basis for these and other critical area regulation amendments in 2005 since these sources were not available in a timely manner for adequate review during the 2004 legislative process; and

WHEREAS, environmental review was completed for the proposed amendments; and

WHEREAS, as part of the public review process for the proposed amendments, the Planning Policy Commission held a public hearing on September 23, 2004, to review the proposed amendments and take public comments on potential new amendments; and

WHEREAS, all persons desiring to comment on the proposal were given a full and complete opportunity to be heard; and

WHEREAS, the Planning Policy Commission and the City of Issaquah Administration reviewed the Planning Commission's Findings of Fact, and recommend adoption of the proposed amendments contained therein, with the exception of Amendment 2.c, pertaining to conversion

of natural resource lands, which was withdrawn at the request of State which is still preparing related regulations; and

WHEREAS, the Planning Policy Commission and the City of Issaquah Administration recommend adoption of these amendments as proposed in Exhibits A1 through A16; and

WHEREAS, the City Council has reviewed these proposed amendments and concurs with the recommendation of the Administration;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ISSAQUAH, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Amendments. For all the sections below, when a complete section is amended, that section shall read as set forth in the attached Exhibits. When only a subsection is amended, the subsection shall read as amended in the attached Exhibits, and subsections not listed or amended in the Exhibits shall remain in effect in their current form.

Section 2. Areas of special flood hazard – Protection mechanisms and permitted alterations. Section 18.10.530.B of the Issaquah Municipal Code is hereby amended as set forth in Exhibit A1, which is attached hereto and incorporated herein by reference as if set forth in full.

Section 3. Purpose and intent of the zoning districts. Section 18.06.010 of the Issaquah Municipal Code is hereby amended to add a new subsection 18.06.010(A)(8) regarding lands adjacent to natural resource lands as set forth in Exhibit A2, which is attached hereto and incorporated herein by reference as if set forth in full.

Section 4. Mineral Resource Zone (“M”) Development Standards. Section 18.07.335 of the Issaquah Municipal Code is hereby amended to add a new subsection J entitled

“Property lands adjacent to natural resource lands”, to read as set forth in Exhibit A3, which is attached hereto and incorporated herein by reference as if set forth in full.

Section 5. Mineral Resource – M. Section 18.06.125 of the Issaquah Municipal Code is hereby amended to add a new subsection 18.06.125(A)(4) regarding mineral resource notification as set forth in Exhibit A4, which is attached hereto and incorporated herein by reference as if set forth in full.

Section 6. Submittal Requirements. Section 18.13.090 of the Issaquah Municipal Code is hereby amended to add a new subsection 18.13.090(B)(4) regarding mineral resource notification as set forth in Exhibit A5, which is attached hereto and incorporated herein by reference as if set forth in full.

Section 7. Complete Application - Sufficiency Review. Section 18.04.150 of the Issaquah Municipal Code is hereby amended to add a new subsection 18.04.150(B)(4) regarding water concurrency as set forth in Exhibit A6, which is attached hereto and incorporated herein by reference as if set forth in full.

Section 8. Definitions – A. Section 18.02.030 of the Issaquah Municipal Code is hereby amended to add new definitions for “Adult Day Care Center” and “Adult Family Home” as set forth in Exhibit A7, which is attached hereto and incorporated herein by reference as if set forth in full.

Section 9. Definitions – C. Section 18.02.050 of the Issaquah Municipal Code is hereby amended to add new a definition for “Child care/day care” as set forth in Exhibit A8, which is attached hereto and incorporated herein by reference as if set forth in full.

Section 10. Definitions – D. Section 18.02.060 of the Issaquah Municipal Code is hereby amended to add new a definition for “Day Care Operation” as set forth in Exhibit A9,

which is attached hereto and incorporated herein by reference as if set forth in full.

Section 11. Table of Permitted Land Uses. Section 18.06.130 of the Issaquah Municipal Code is hereby amended with regard to Day Care as set forth in Exhibit A10, which is attached hereto and incorporated herein by reference as if set forth in full.

Section 12. Day care operations standards. Section 18.07.100 of the Issaquah Municipal Code is hereby amended as set forth in Exhibit A11, which is attached hereto and incorporated herein by reference as if set forth in full.

Section 13. Home occupations. Section 18.07.470 of the Issaquah Municipal Code is hereby amended with regard to Day Care and Adult Family Home as set forth in Exhibit A12, which is attached hereto and incorporated herein by reference as if set forth in full.

Section 14. Table of Off-Street Parking Standards. Section 18.09.050 of the Issaquah Municipal Code is hereby amended to add standards for Day Care Operations as set forth in Exhibit A13, which is attached hereto and incorporated herein by reference as if set forth in full.

Section 15. Parking and storage of vehicles and boats. Section 18.07.210 of the Issaquah Municipal Code is hereby amended as set forth in Exhibit A14, which is attached hereto and incorporated herein by reference as if set forth in full.

Section 16. Accessory structures – Uninhabitable. Section 18.07.110 of the Issaquah Municipal Code is hereby amended for consistency with the International Building Code, IMC 16.04.015, as set forth in Exhibit A15, which is attached hereto and incorporated herein by reference as if set forth in full.

Section 17. Exemptions. Section 18.15.040 of the Issaquah Municipal Code is hereby amended to address Transportation Concurrency exemptions as set forth in Exhibit A16,

which is attached hereto and incorporated herein by reference as if set forth in full.

Section 18. Ordinance to be transmitted to Department. Pursuant to RCW 36.70A.106, this Ordinance shall be transmitted to the Washington Department of Community, Trade, and Economic Development as required by law.

Section 19. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 20. Effective Date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

Passed by the City Council of the City of Issaquah, the 15th day of November, 2004.

Approved by the Mayor of the City of Issaquah the 16th day of November, 2004.

APPROVED:



AVA FRISINGER, MAYOR

ATTEST/AUTHENTICATED:



CHRISTINE EGGERS, CITY CLERK

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 
VICKI ORRICO

FILED WITH THE CITY CLERK: 11-5-2004
PASSED BY THE CITY COUNCIL: 11-15-2004
PUBLISHED: 11-24-2004
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AGENDA BILL NO.: 5231